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8
9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 DAMON EVANS,

15 Defendant.

Case No. 2:19-mj-00528-EJY

**STIPULATION TO CONTINUE
BENCH TRIAL**
(Second Request)

16
17 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A.
18 Trutanich, United States Attorney, and Rachel Kent, Special Assistant United States Attorney,
19 counsel for the United States of America, and Rene L. Valladares, Federal Public Defender,
20 and Robert O'Brien, Assistant Federal Public Defender, counsel for Damon Evans, that the
21 bench trial currently scheduled on November 20, 2019, be vacated and continued to a date and
22 time convenient to the Court, but no sooner than sixty (60) days.

23 This Stipulation is entered into for the following reasons:

24 1. Counsel for the defendant requests additional time to allow Mr. Evans to
25 consider the current offer from the government.
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2. Additionally, it would be a financial hardship for Defendant to travel to Nevada at this time;

3. Defendant does not object to a continuance;

4. Denial of this request for continuance of the bench trial would potentially prejudice both the Defendant and the Government and unnecessarily consume this Court's valuable resources;

5. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(iv).

This is the second request for a continuance of the bench trial.

DATED this 5th day of November, 2019.

RENE L. VALLADARES
Federal Public Defender

NICHOLAS A. TRUTANICH
United States Attorney

/s/ Robert O'Brien
By _____

ROBERT O'BRIEN
Assistant Federal Public Defender

/s/ Rachel Kent
By _____

RACHEL KENT
Special Assistant United States Attorney

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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAMON EVANS,

Defendant.

Case No. 2:19-mj-00528-EJY

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER**

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Defendant Damon Evans currently resides in Indiana and has a state court that requires his immediate attention. The case is currently scheduled for a jury trial on October 17, 2019;

2. Additionally, it would be a financial hardship for Defendant to travel to Nevada at this time; and

3. Defendant does not object to a continuance;

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

1 The continuance sought herein is excludable under the Speedy Trial Act, 18 U.S.C. §
2 3161(h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(iv).

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4 **ORDER**

5 IT IS THEREFORE ORDERED that the bench trial currently scheduled on Wednesday,
6 November 20, 2019, at 9:00 a.m., be vacated and continued to January 29, 2020 at the hour of
7 9:00 a.m. in Courtroom 3D.

8 DATED this 6th day of November, 2019.

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11 UNITED STATES MAGISTRATE JUDGE
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